

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

RAY ARRESTOUILH,)
Plaintiff,)
v.) Case No. CIV-22-00277-JD
D.E.A. (F.A.R.A.), et al.,)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Amanda Maxfield Green entered on April 26, 2022. [Doc. No. 4].

As the Report and Recommendation notes, Plaintiff Ray Arrestouilh (“Plaintiff”) alleges that his federal constitutional rights were violated. [Doc. No. 1]. Plaintiff alleges he is incarcerated at the Arapahoe County Detention Facility (“ACDF”) in Centennial, Colorado. [Id. at 1]. The ACDF is located within the territorial jurisdiction of the United States District Court for the District of Colorado. [Doc. No. 4]. Additionally, as the Report and Recommendation notes, “each event or omission giving rise to Plaintiff’s claims occurred in Colorado, either prior to or during his incarceration.” [Id. at 3]. As a result, the Report and Recommendation recommends the transfer of this action to the United States District Court for the District of Colorado for all further proceedings. [Id.].

Judge Green advised Plaintiff that he may file an objection to the Report and Recommendation with the Clerk of Court by May 17, 2022, and that failure to timely object to the Report and Recommendation waives the right to appellate review of both

factual and legal issues contained in the Report and Recommendation. [*Id.* at 3–4]. *See also* 28 U.S.C. § 636.

To date, Plaintiff has not filed an objection to the Report and Recommendation or requested an extension of time to do so.¹ With no objection being filed, the Court accepts, adopts, and affirms the Report and Recommendation in its entirety, and finds that this action should be transferred to the United States District Court for the District of Colorado.

The Court ADOPTS the Report and Recommendation [Doc. No. 4] in its entirety for the reasons stated therein. The Clerk of the Court is directed to TRANSFER this action to the United States District Court for the District of Colorado for all further proceedings.

IT IS SO ORDERED this 23rd day of May 2022.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE

¹ The Court notes that the attempt to serve Plaintiff with the Report and Recommendation at his address of record failed. [*See Doc. No. 6*]. However, Plaintiff is responsible for notifying the Court of any change of address, and “[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court.” LCvR5.4(a); *see Theede v. U.S. Dep’t of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999) (“The parties are far better situated to know of any errors in their address information, thus, they bear the burden of filing notice of a change of address The fact [plaintiff] is acting pro se does not eliminate this burden.”).